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HOUSE No. 3842

The Commonwealth of Massachusetts

INITIATIVE PETITION OF MARK A. GOTTLIEB AND OTHERS.

OFFICE OF THE SECRETARY.
BOSTON, JANUARY 1, 2014.

Steven T. James
Clerk of the House of Representatives
State House
Boston, Massachusetts 02133

I herewith transmit to you, in accordance with the requirements of Article XLVIII of the Amendments to the Constitution and as ordered by the Supreme Judicial Court¹, an Initiative Petition for Law entitled “An Act Relative to Illegal Gaming” signed by ten qualified voters and filed with this department on or before December 4, 2013, together with additional signatures of qualified voters in the number of 72,901, being a sufficient number to comply with the Provisions of said Article.

Sincerely,

WILLIAM FRANCIS GALVIN,
Secretary of the Commonwealth.

¹ See Order, attached, Abdow et al. v. Attorney General and the Secretary of the Commonwealth, SJC No. SJ-2013-00356, September 13, 2013.

AN INITIATIVE PETITION.

Pursuant to Article XLVIII of the Amendments to the Constitution of the Commonwealth, as amended, the undersigned qualified voters of the Commonwealth, ten in number at least, hereby petition for the enactment into law of the following measure:

The Commonwealth of Massachusetts

In the Year Two Thousand and Fourteen.

An Act relative to illegal gaming.

Be it enacted by the People, and by their authority, as follows:

1 SECTION 1. Section 7 of chapter 4 of the General Laws, as
2 appearing in the 2012 Official Edition, is hereby amended by
3 striking out clause Tenth and inserting in place thereof the
4 following clause:
5 “Tenth, ‘Illegal gaming,’ a banking or percentage game played
6 with cards, dice, tiles or dominoes, or an electronic, electrical or
7 mechanical device or machine for money, property, checks, credit
8 or any representative of value, but excluding: (i) a lottery game
9 conducted by the state lottery commission, under sections 24, 24A
10 and 27 of chapter 10; (ii) pari-mutuel wagering on horse races
11 under chapters 128A and 128C; (iii) a game of bingo conducted
12 under chapter 271; and (iv) charitable gaming under said chapter
13 271.”

14 SECTION 2. Chapter 23K of the General Laws, as appearing in
15 the 2012 Official Edition, is hereby amended by adding the
16 following section 72 following section 71:

17 “Notwithstanding the provisions of this chapter or any general or
18 special law to the contrary, no illegal gaming as defined in section
19 7 of chapter 4 shall be conducted or permitted in this
20 commonwealth and the commission is hereby prohibited from
21 accepting or approving any application or request therefor.”

22 SECTION 3. The several provisions of this Act are independent
23 and severable and the invalidity, if any, of any part or feature
24 thereof shall not affect or render the remainder of the Act invalid
25 or inoperative.

FIRST TEN SIGNERS

| <u>NAME</u> | <u>RESIDENCE</u> | <u>CITY OR TOWN</u> |
|---------------------------|------------------------|---------------------|
| Mark A. Gottlieb | 11 Montgomery Street | Cambridge |
| Susan C. Tucker | 6 Farrwood Drive | Andover |
| Joseph A. (Joe) Curtatone | 130 Ten Hills Road | Somerville |
| Kristian M. Mineau | 10 Mount Vernon Street | North Reading |
| Kathleen Conley Norbut | 95 May Hill Road | Monson |
| Steven P. Abdow | 174 Wildflower Drive | Amherst |
| Celeste B. Myers | 35 Breed Street, #2 | Boston |
| Geri Eddins | 13 Tina Road | Milford |
| Stephanie M. Crimmins | 76 Granite Street | Foxborough |
| John Ribeiro | 15 James Avenue | Winthrop |

Summary of 13-09.

This proposed law would (1) prohibit the Massachusetts Gaming Commission from issuing any license for a casino or other gaming establishment with table games and slot machines, or any license for a gaming establishment with slot machines; (2) prohibit any such casino or slots gaming under any such licenses that the Commission might have issued before the proposed law took effect; and (3) prohibit wagering on the simulcasting of live greyhound races.

The proposed law would change the definition of “illegal gaming” under Massachusetts law to include wagering on the simulcasting of live greyhound races, as well as table games and slot machines at Commission-licensed casinos, and slot machines at other Commission-licensed gaming establishments. This would make those types of gaming subject to existing state laws providing criminal penalties for, or otherwise regulating or prohibiting, activities involving illegal gaming.

The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

Commonwealth of Massachusetts

Suffolk, ss.

Supreme Judicial Court
for Suffolk County
Docket No. SJ-2013-0356Steven P. Abdow and others¹

vs.

Attorney General and Secretary of the Commonwealth

Order

This matter came before the Court, Spina, J., on a complaint in the nature of mandamus and request for a preliminary injunction. With the agreement of all parties, and without making any determination as to whether the plaintiffs are likely to succeed on the merits of their claim, it is ORDERED, pending a final decision in this case, that the Attorney General release a summary of Initiative Petition No. 13-09 to the Secretary, and that the Secretary, subject to the filing of all required materials with him, prepare and release to the plaintiffs blank petition forms and take all other steps he would have been required to take under amendment article 48 had the petition been certified, short of printing the proposed law in the Information for Voters Guide or on the ballot.

If, after the first Wednesday in December, 2013, the deadline set by article 48, Init., pt 2, § 3, for filing additional signed petitions with the Secretary, the defendants file an affidavit stating that insufficient signed petitions were filed in order for the Secretary to allow the petition to proceed under the article 48 process, then, unless plaintiffs file within ten (10) days thereafter an affidavit disputing whether sufficient signed petitions were filed, this action shall be dismissed as moot without prejudice.

By the Court, (Spina, J.)
MAURA S. DOYLE, Clerk

Entered: September 13, 2013

1 Stephanie C. Crimmins, Joseph A. Curtatone, Gerri Eddins, Mark A. Gottlieb, Celeste B. Meyers, Kristian M. Mineau, Kathleen Conley Norbut, John F. Ribeiro, and Susan C. Tucker